

# Senate Study Bill 3076 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

## A BILL FOR

1 An Act relating to the definition of a sexually violent  
2 predator for purposes of civil commitment procedures.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229A.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Convicted*" means found guilty of,  
4 pleads guilty to, or is sentenced or adjudicated delinquent  
5 for an act which is an indictable offense in this state or in  
6 another jurisdiction including in a federal, military, tribal,  
7 or foreign court, including but not limited to a juvenile who  
8 has been adjudicated delinquent, but whose juvenile court  
9 records have been sealed under section 232.150, and a person  
10 who has received a deferred sentence or a deferred judgment  
11 or has been acquitted by reason of insanity. "*Conviction*"  
12 includes the conviction of a juvenile prosecuted as an adult.  
13 "*Convicted*" also includes a conviction for an attempt or  
14 conspiracy to commit an offense. "*Convicted*" does not mean a  
15 plea, sentence, adjudication, deferred sentence, or deferred  
16 judgment which has been reversed or otherwise set aside.

17 Sec. 2. Section 232.55, subsection 2, paragraph a, Code  
18 2014, is amended to read as follows:

19 a. Adjudication and disposition proceedings under this  
20 division are not admissible as evidence against a person in a  
21 subsequent proceeding in any other court before or after the  
22 person reaches majority except in a proceeding pursuant to  
23 chapter 229A or in a sentencing proceeding after conviction  
24 of the person for an offense other than a simple or serious  
25 misdemeanor.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the definition of a sexually violent  
30 predator for purposes of civil commitment procedures.

31 For purposes of determining whether a person has previously  
32 been convicted of a sexually violent offense for civil  
33 commitment as a sexually violent predator, the bill defines  
34 "convicted" to mean found guilty of, pleads guilty to, or is  
35 sentenced or adjudicated delinquent for an act which is an

1 indictable offense in this state or in another jurisdiction  
2 including in a federal, military, tribal, or foreign  
3 court, including but not limited to a juvenile who has been  
4 adjudicated delinquent, but whose juvenile court records have  
5 been sealed under Code section 232.150, and a person who has  
6 received a deferred sentence or a deferred judgment or has been  
7 acquitted by reason of insanity. "Conviction" includes the  
8 conviction of a juvenile prosecuted as an adult. "Convicted"  
9 also includes a conviction for an attempt or conspiracy to  
10 commit an offense. "Convicted" does not mean a plea, sentence,  
11 adjudication, deferred sentence, or deferred judgment which  
12 has been reversed or otherwise set aside. Current law does  
13 not define "conviction" in Code chapter 229A. The term  
14 "conviction" generally does not include juvenile adjudications.  
15 Code section 232.55 is amended to permit the use of juvenile  
16 delinquency proceedings as evidence in the civil commitment  
17 proceeding of a sexually violent predator under Code chapter  
18 229A.